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7 *Representing the United States*

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9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

2:16-CR-00046-GMN-PAL

12 v.

13 DAVE H. BUNDY,
MEL D. BUNDY,
14 JOSEPH D. O'SHAUGHNESSY, and
JASON D. WOODS,

15
GOVERNMENT'S MOTION TO
DISMISS SUPERSEDING
INDICTMENT WITH PREJUDICE

16 Defendants.

17 **CERTIFICATION: This Motion is timely filed.**

18 The United States, by and through the undersigned, respectfully seeks leave
19 under Fed. R. Crim. P. 48(a) to dismiss with prejudice all counts in the Superseding
20 Indictment as to each of the above-named defendants.

21 The Superseding Indictment in this case was returned on March 2, 2016,
22 against nineteen defendants. The defendants were subsequently severed into three
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1 groups for separate trials, the defendants named herein comprising the third group,
2 their trial being set to commence on February 26, 2018.

3 During the trial of the second group, and on January 8, 2018, the Court
4 declared a mistrial and entered an Order dismissing the Superseding Indictment
5 against the second group of defendants with prejudice. The government has since
6 filed a Motion in that case, asking the Court to reconsider its dismissal Order for
7 the reasons set forth in the Motion.

8 In light of the Court's dismissal Order and the pendency of the government's
9 Motion for Reconsideration, the government believes that, under these
10 circumstances and in the interests of justice, it is appropriate to move to dismiss
11 the Superseding Indictment against the third group of defendants named herein
12 with prejudice.

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WHEREFORE, for all the foregoing reasons, the government respectfully requests that the Court grant the government's Motion to Dismiss and enter an Order dismissing all counts in the Superseding Indictment with prejudice as to defendants Dave Bundy, Mel Bundy, Joseph O'Shaughnessy, and Jason D. Woods and vacating the current trial setting of February 26, 2018.

DATED this 7th day of February, 2018.

Respectfully,

DAYLE ELIESON
United States Attorney

/s/ Daniel R. Schiess

STEVEN W. MYHRE
DANIEL R. SCHIESS
NADIA J. AHMED
Assistant United States Attorneys

Attorneys for the United States

IT IS SO ORDERED.

DATED this 7 day of February, 2018.

Gloria M. Navarro, Chief Judge
United States District Court

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the United States Attorney's Office. A copy
3 of the foregoing **MOTION TO DISMISS INDICTMENT WITH PREJUDICE** was
4 served upon counsel of record, via Electronic Case Filing (ECF).

5 DATED this 7th day of February, 2018.

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7 */s/Daniel R. Schiess*

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9 DANIEL R. SCHIESS
Assistant United States Attorney

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